



**Agenda Item Number:** \_\_\_\_\_

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

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**Meeting Date:** January 26, 2010

**Department:** Zoning, Building, Planning      **Staff Contact:** Mari Simbaña, Program Planner

**TITLE:** APPEAL: Sector Plan Amendment (SPR-80002/CO-90012)

### **COUNTY PLANNING COMMISSION RECOMMENDATION:**

Denial

### **SUMMARY:**

On February 23, 2009, the agent submitted an application of appeal (Attachment 1). The letter of justification for appeal from the agent articulates that, "CPC erred in applying County plans, policies and ordinances in arriving at their recommendation." and that the CPC decision was not supported by, "substantial relevant evidence."

Subsequent to the appeal hearing, the agent submitted a request for a 90-day deferral related to Bernalillo County Public Works process of acquisition of property for the Eubank widening project (Attachment 4). At the March 24, 2009 public hearing, the Board of County Commissioners deferred the case to the June 23, 2009 hearing. In a letter dated June 20, 2009, the agent requested a 90-day deferral, which was granted by the Commissioners at the June hearing. The agent requested another 90-day deferral in a letter dated September 17, 2009 (Attachment 4), which the Commissioners agreed to and expect to hear the case on January 26, 2010. To date, no new materials have been submitted.

At the February 4, 2009 public hearing, the County Planning Commission (CPC) voted (5-0) to deny the request to amend the Paseo del Norte North Albuquerque Acres Sector Development Plan (SDP) to allow for a zone change from the rural agricultural zone (A-1) to neighborhood commercial zone (C-N) within the plan boundaries. The decision was based on four Findings (Attachment 2).

CPC determined that the request to amend the SDP did not meet the criteria set forth in Section 4.3 for land use changes. Through these criteria, the SDP requires that to qualify for a non-residential zone, the site in consideration must be two lots deep and cannot be within 300 feet of an existing home. Neither of these criteria are met by the site and case (CZ-80003) prompting the amendment to the SDP.

**ATTACHMENTS:**

1. Appeal application.
2. County Planning Commission Notice of Decision Letter (February 6, 2009).
3. County Planning Commission Information Packet.
4. Agent Letters Requesting Deferral.
5. Board of County Commissioners Notice of Decision Letter.
6. County Planning Commission February 2009 minutes.
7. County Planning Commission August 2008 minutes.
8. Current Letter Requesting Deferral and Notice of Decision Letter (September 24, 2009)

**STAFF ANALYSIS SUMMARY****ZONING, BUILDING & PLANNING:**

Staff Recommends Denial of Appeal.